

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 883

T06-0071

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Union Pacific Railroad Company ("COMPANY"), the City of Marengo ("CITY"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Prospect Street highway-rail grade crossing of the Company's track in the City of Marengo, in McHenry County, Illinois, designated as crossing AAR/DOT #174 569Y, milepost 65.50-B; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by representatives of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

**DOCKETED**

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.
- (b) The warning devices (automatic flashing signals and gates) should be installed as presented in Exhibit B-1, "Proposed Layout Per ICC Staff," which accounts for a future roadway widening project by the City of Marengo (the City has completed contract plans, and is awaiting construction funding). Exhibit B-2 provides the Company's general front sheet layout.
- (c) Prior to installing the warning devices, a staff member of the Commission's Transportation Division, Railroad Section, should be contacted to assist in the field layout.

Section 3 The Company has prepared a preliminary estimate of cost, attached as Exhibit C to accomplish the proposed safety improvements, which it may be required to perform. The Company shall upon Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and the Department. The Company agrees that an appropriate time for the submission of plans should be six (6) months from the date of a Commission Order subsequent to this Agreement.

The Department shall notify the Commission within five (5) days after it has received the detailed drawings and circuit plans, estimates of cost and any required specifications for the proposed improvements from the Company. The Department shall also provide written notice to the Commission within five (5) days after it has approved the detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements.

Section 4 The COMPANY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order subsequent to this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements should be as follows:

**- COST DIVISION TABLE -**

IMPROVEMENT	EST. COST	GCPF	CITY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$195,360	(95%) \$185,592 <sup>1</sup>	\$0	(5%) Remainder <sup>2</sup>	\$0

Notes:

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$185,592; any installation costs above the estimated amount of \$195,360 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

Section 6 Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit E, along with this executed Agreement.

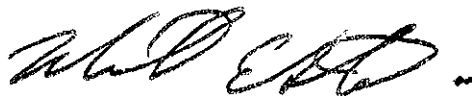
The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, the Project Status Report, attached as Exhibit D, regarding the progress it has made toward completion of the work herein required. Each Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

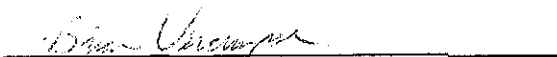
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 28<sup>th</sup> day of December 2004.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Brian Vercruysse  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **883** concerning improvements at the Prospect Street highway-rail grade crossing of the COMPANY'S track in the City of Marengo, McHenry County, Illinois, designated as crossing **AAR/DOT 174 569Y**, **Milepost 65.50**.

Executed by the DEPARTMENT, this 11th day of March, 2005.

Illinois Department of Transportation

By: Victor A. Modler  
(Title)

Illinois Commerce Commission Stipulated Agreement No. 883 concerning improvements at the Prospect Street highway-rail grade crossing of the COMPANY'S track in the City of Marengo, McHenry County, Illinois, designated as crossing AAR/DOT 174 569Y, Milepost 65.50.

Executed by the CITY this 24<sup>th</sup> day of March, 2005.

City of Marengo

By: Darin Hammond MAYOR  
(Title)

Attest:

Barbara L. Bigalke

Illinois Commerce Commission Stipulated Agreement No. 883 concerning improvements at the Prospect Street highway-rail grade crossing of the COMPANY'S track in the City of Marengo, McHenry County, Illinois, designated as crossing AAR/DOT 174 569Y, Milepost 65.50.

Executed by the COMPANY this 22<sup>nd</sup> day of MAY, 2006.

BN  
ICC

Union Pacific Railroad COMPANY

By: [Signature]  
(Title)

AVP ENGINEERING

Attest:

[Signature]  
Assistant Secretary

Approved as to form:

[Signature]  
Assistant Vice President

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM

**GENERAL INFORMATION:** See Location Sketch

RAILROAD	Union Pacific Railroad
USDOT#, MILEPOST	174 569Y, MP 65.50
STREET, CITY, COUNTY	Prospect Ave in Marengo McHenry County
JURISDICTION (RDWY)	City of Marengo
LOCATION	Rural/High School/Industry
STREET SURFACE	Bituminous

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
1N	Timber	7'	Fair

**ROADWAY DATA:** See Location Sketch

INTERSECTING ROADS:	Street 500' South
TRAFFIC CONTROL	N/A
ADT & SPEED	5000 @30 MPH (5% Trucks)
TRAFFIC TYPE	Passenger, School Busses, Trucks
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

**RAILROAD DATA:** See Location Sketch

FREIGHT TRAFFIC	6 Per day @ 49 MPH
PASSENGER TRAFFIC	Not Applicable
WARNING DEVICES	Automatic Flashing Light Signals (AFLS)

**NOTES:**



**VISIBILITY STUDY:** See Location Sketch

Train Speed	49	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	485	FEET
Along Tracks	506	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1183	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*		*	
NW	*		*	
SE	*		*	
SW	*		*	

\*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch for existing.

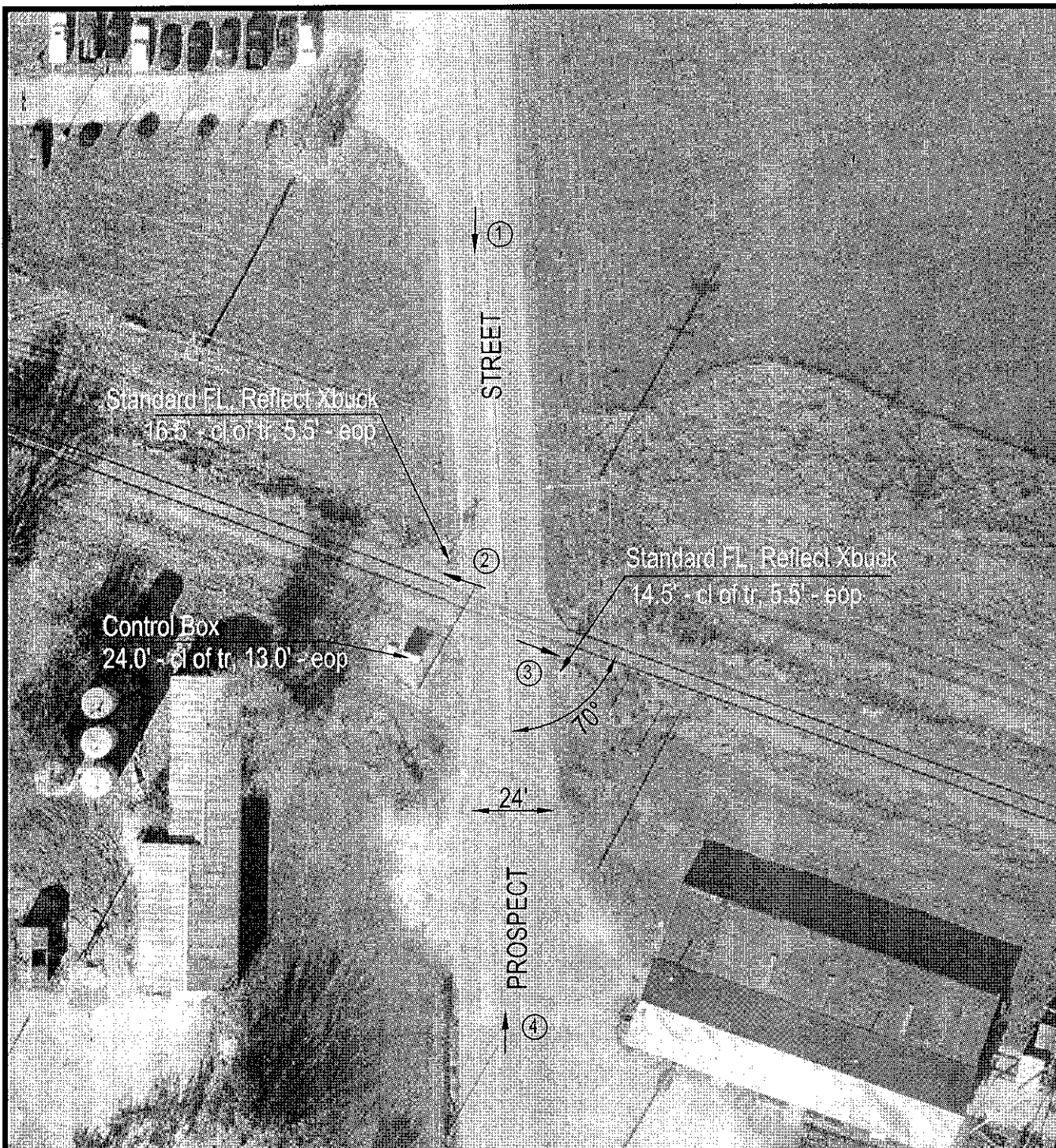
DIRECTION: WEST/NORTH			DIRECTION: EAST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	--	0	100.0	--
25	99.6	1.6	25	99.3	2.8
50	98.7	2.6	50	99.0	2.0
100	97.5	2.5	100	98.1	1.9

Distance measured from track centerline.

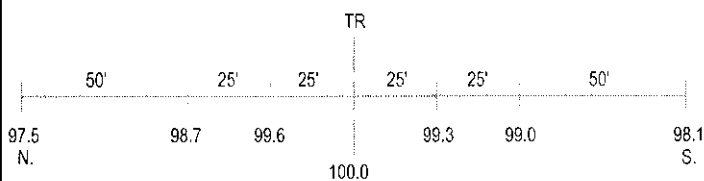
**COMMENTS:**

The roadway profile/approaches will be reconstructed as part of a future roadway improvement project sponsored by the City of Marengo.

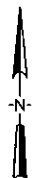
See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



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ROAD PROFILE



③ Photo Location

Crossing #: 174569Y

Location: Mc Henry Co., City of Marengo (I)

Lat/Long: 42°14'41" / 88°35'56"

Railroad: UP

Street: Prospect Street

Railroad Milepost: 65.50

Crossing Protection: Train Activated Devices